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EAST TIMOR: to be liberated or to be exterminated; that is the question

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contents

page

Foreword 2

1. According to Indonesia one sixth of the UN member states gained their independence unrighteously 4
2. Only a falsification of history can make East Timor look like Goa, Macau or Malvinas 6
3. The argument of 'national security' is a cloak for the expansionist geopolitics of Indonesia 8
4. The invasion and occupation of East Timor by Indonesia are a premeditated act of aggression and a violation of the right of its people to self-determination 10
5. The so called integration of East Timor into Indonesia forms as well a clear violation of the international law on self-determination 13
6. Meanwhile the physical and cultural genocide of the East Timorese people continues 16
7. Indonesia cannot cover up the colonial exploitation of East Timor with the so called 'development' of East Timor 18
8. The solidarity of many non-aligned countries with East Timor counterweighs the aid of Western countries to Indonesia 22
9. The unconditional resistance of the people of East Timor against Indonesian colonialism will lead either to its liberation or to its extermination 26
10. The Non-Aligned Countries fulfill an indispensable role in the struggle for the victory of justice in East Timor 29

Notes 32

Appendix: Fretilin Peace Plan 35

Foreword

In a comment titled "Lessons from Nicosia", the Jakarta Post of 12 September 1988 wrote, on the occassion of the futile attempt of the Indonesian Government to take over the much desired chairman's hammer from the Movement of Non-Aligned Countries:

> "(...) The failure in Nicosia is a valuable experience that should prompt us to launch a thorough analysis of what actually is wrong with our position within the movement. (...)
> We thought our non-aligned credentials as embedded in Vice-President Mohammad Hatta's famous speech on September 2, 1948 and demonstrated so vividly by hosting the 1955 Bandung Conference of Afro-Asian countries were impeccable. May be not.
> Press reports from Nicosia indicated that what was referred to as the East-Timor issue and the absence of a representative office of the Palestinian Liberation Organization in Jakarta were considered as constraints to achieve a consensus among the non-aligned foreign ministers favoring Indonesia's candidature.
> If that is indeed the case, we should work hard to remove those constraints during the coming years.(...)"

Even though in veiled terms, this article brings out some facts that are known to the rest of the world for a long time: that the Indonesia of Suharto, separated from the Indonesia of Hatta and Bandung by a million victims within its own borders and some hundreds of thousands outside of them, this Indonesia has alienated itself from the ideals of the Non-Aligned Movement; that the occupation of East Timor by the Indonesian army and the crimes it committed there and still commits, form the most important reason for the failure of Jakarta's candidature; and that Indonesia can only regain some of its lost credibility by withdrawing its troops from the occupied territory.

This brochure wants to state, from a juridical and political point of view, the crimes that have been committed in East Timor by the Indonesian authorities and at the same time analyzes the fake arguments with which they tried to justify them. It will also examine the important role many Non-Aligned countries are playing in quest of a solution of the problem, in the spirit of the aims of the Movement.

1- According to Indonesia one sixth of the UN member states gained their independence unrighteously.

In July 1975, before the invasion, occupation and annexation of East-Timor, president Suharto tried to picture the area as economically inviable(1). Therefore, according to Indonesia, the population of East-Timor should not be able to make any claims on its independence.

In line with its anti-colonial attitude the UN has never regarded the criterion of economical inviability as a hindrance towards independence of any nation. This is evident both from the UN resolutions, which treated this criterion in theoretical terms, and from the actual application of these throughout the years. This is illustrated by paragraph 3 of resolution 1514 (XV):

> "Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence."

When, however, Indonesia does fence with the argument of inviability, it forgets that the Non-Aligned Countries, Indonesia tries to persuade, were the ones that formed the basis of this attitude of the UN.

Almost thirty states have a population smaller than the one East Timor had in 1975. This exceeds a sixth of the total number of states. In 1982, the last time the UN voted on East Timor(2), a fifth of the UN member states had a population which was smaller. If the number of inhabitants would be the main aspect to be considered, an independent East Timor is just as viable as for instance Bahrain, Botswana, Cyprus, Equatorial Guinea, Gabon, Iceland, Luxembourg or Suriname. After the memorial moment, in 1980, when Zimbabwe became independent, Namibia became the non-self governing territory with the largest population on earth. Once Namibia is independent, this honour will be East Timor's.

East Timor cannot be regarded as inviable on basis of its territorial size either. Almost one sixth of the now existing states has an area smaller than East Timor: the Bahamas for instance, or Fiji, Gambia, Jamaica, Lebanon, Qatar, Singapore and Swaziland. Indonesia cannot possibly mean that these countries gained their independence unrighteously?

The presence of sufficient economic sources also contradicts the Indonesian argument. The Timorese ground is suited well for farming, is the conclusion of several expert studies during the last forty years(3). The Timorese coffee is known to be among the best in the world. Due to the trade monopoly in East Timorese coffee, a company controlled by Indonesian generals, called P.T. Denok, makes many millions of dollars a year! A similar ironic situation occurs in respect with Timor's oil. The OPEC (the organization of which Indonesia is a member as well, with even an Indonesian as Secretary General at this moment) is convinced of the presence of rich oil fields in the Timor Sea. For some years now, Indonesia and Australia are discussing the limits of their their maritime border in that sea.

Summarizing: suppose one could accept the (colonial coloured) criterion of economic inviability as an obstacle to the independence of a colonized teritory, even then there are not any sufficient arguments against East Timor's independence, since nothing indicates that East Timor can be considered as inviable. On the contrary, everything points in the direction that these sources of potential and actual wealth in East Timor are among the most important reasons that led to the occupation of the territory...

2- Only a falsification of history can make East Timor look like Goa, Macau or Malvinas.

At a certain moment the Indonesian authorities started a campaign about the fancied historical and cultural bonds between East Timor and Indonesia. The goal was clear: these bonds were going to be used as an argument to justify the annexation of the territory.

Some governments, sensitive to problems concerning the national unity and territorial integrity of a country, were worried that the territorial integrity of Indonesia was at stake. They decided to support a so called reintegration of East Timor rather than the right to self-determination of the people.

The alleged bonds however, are nothing but a fabrication of history. Indonesia does not have any grounds for historical ties of territorial sovereignty with the region. Timor has never been subservient to one of the empires, reigns and sultanates which developed from some of the islands, that nowadays form a part of Indonesia. Neither has East Timor ever been part of the Dutch East Indies. Moreover, the Javanese culture is alien to East Timor as are the Indonesian language and the Islamic religion(4).

The East Timor question is, therefore, completely different from those where the principle of national unity and territorial integrity of a country had been successfully invoked. This also explains why there were no Indonesian claims on East Timor until 1975, contrary to the claims of India on Goa, China on Macau, Argentina on the Malvinas or Spain on Gibraltar. On the contrary for years the Indonesian government has declared in the United Nations that the borders of Indonesia were delimitated by those of the old Dutch East Indies. It continued stating that there would not be any claims made on the other parts of the archipelago, of which it mentioned East Timor by name(5). Since Indonesia has thus solemnly accepted the principle of respect for the colonial boundaries, the binding character of those declarations provides an extra reason for the condemnation of its invasion and annexation of the territory.

In 1975 the United Nations spoke out in favour of the inalienability of the right of the East Timorese people to selfdetermination and independence and thus clearly rejected the hypothesis of a "reintegration". This should not cause surprise, considering that the International Court of Justice dismissed that very same year in the **Western Sahara** case even stronger evidence of historical ties than Indonesia could ever come up with.

Regarding the supposed cultural links, one could also point to the influence of four and a half centuries of Portuguese colonization on the country. This also stimulated the cultural differentiation of East Timor. More important however, is the originating of a sense of national unity of the different peoples in East Timor during their long struggle against the Portuguese colonialism. Indonesia has never been involved in this struggle and in this feeling of unity.

3- The argument of 'national security' is a cloak for the expansionist geopolitics of Indonesia.

Indonesia also tried to create a favorable climate for the invasion of East Timor by means of a political argument covered in juridical veneer: the one of national security.

Being the largest archipelagic state in the world, the Indonesian Republic has had to deal with regional revolts since it was born. The diversity of peoples, languages and cultures has always been a source of worry for those in power in Jakarta. This, however, is an internal problem of Indonesia, that has, in principle, nothing to do with the political developments in countries outside its boundaries, as long as, of course, the governments of these countries are not supporting the regional upheavals materially. Fretilin was well aware of the sensitivity of Indonesia on this point and assured Indonesia, at a very early stage, that it would follow a policy of non-intervention and non-alignment.

Nevertheless, the Indonesian military secret service followed the growth of Fretilin with great interest. In the eyes of the Indonesian military, an independent East Timor under the leadership of Fretilin would be a threat to the stability of the Indonesian nation. It is also not a coincidence that Fretilin, a progressive movement, is continually called communist by the spokesmen of the Indonesian government.The Fretilin leadership has sincerely but vainly made pleas to live on equal terms as a peaceful neighboring country with Indonesia. But an independent East Timor did not even get the benefit of the doubt; a democratic experiment on East Timor would not fit in the scope of thought of the Indonesian rulers.

In this same period the military doctrine 'Hankamrata' continued to be developed and refined. Hankamrata, an abbreviation of 'Pertahanan dan Keamanan Rakyat Semesta' or 'Total Defense and Security Doctrine', is a territorial military concept comparable to the territorial domination concepts of the great powers. The Hankamrata doctrine is the clearest form of a **Pax Indonesiana** and shows how a great Third World power justifies a military invasion by means of a

doctrine of territorial dominance. In the eyes of Jakarta, the **Pax Indonesiana** justifies the invasion of East Timor just like the **Pax Americana** 'justified' the military action of the United States in Grenada.

A country being obsessed by an imaginary enemy and therefore developing a concept of territorial dominance, is not that strange. The average high ranked army officer finds his raison d'etre in the very creating of an image of the enemy. It is a well known and lamentable fact that great powers have tried to justify their military adventures in different parts of the world by an unjust appeal on the concept of security. It is but a bitter irony of history however, that a country, that was once the champion of anti-colonialism, has now started to use the concept of security to cover up its own expansionist politics.

Later developments did, by the way, affirm that it was indeed Jakarta's longing for expansion, rather than an extreme danger to its safety, that made the Indonesian army march. The assimilation of East Timor under a Fretilin government with a Cuba in the Indian Ocean was unsound from the start (and moreover revealed the imperialist arrogance of the Indonesian generals). Now 'the danger from the North' is over (the relations of Jakarta with Vietnam and the Soviet Union are friendly nowadays and it has been announced that relations with the People's Republic of China will be restored), the occupation of East Timor is even less justified in the light of the 'security' argument. Like minister of defence, general Benny Murdani, himself admits, there is no direct danger from outside at this moment. This conclusion no doubt also concerns East Timor. An independent East Timor does not form any danger for the stability of the Indonesian Republic.

4-The invasion and occupation of East Timor by Indonesia are a premeditated act of aggression and a violation of the right of its people to self-determination.

When the Indonesian government realised its arguments did not impress the international community, it resorted to violence. Jakarta reacted to the declaration of independence of the Democratic Republic of East Timor with a military invasion of the territory. Since the Indonesians expected this act to be condemned by the peace loving nations, they tried to justify its rude intervention with new arguments.

First of all it denied that it was the Indonesian forces that were taking part in the aggression. According to Jakarta it was the East Timorese troops that were guided by some Indonesian 'volunteers', which entered East Timor on 'invitation'(6). Later on the argument became the right to 'self-defence' against a supposed attack of Fretilin on Indonesian territory(7). Finally the Indonesian government shamelessly presented its invasion as a 'humanitarian intervention', by purposely exaggerating the number of refugees in West Timor and by telling lies about the situation in East Timor(8).

All these justifications clearly contradict each other and illustrate very well the desperation of Jakarta. Moreover, each one of them is easily refutable. Who could speak of 'volunteers' after an invasion with the employment of advanced weapons by land, sea and in the air? Who would be able to maintain in the same way that there was an invitation, after the revelations in April 1976 by José Martins, the leader of KOTA (one of the small parties that, in the beginning, was in favour of the integration(9))? How can one still use the concept of self-defense after the publication of numerous documents, which prove the preparations for the aggression had started a long time ago(10)? And what is the use of talking about humanitarian intervention, knowing that the number of Timorese casualties was over the hundred thousand shortly after the intervention(11)?

The Democratic Republic of East Timor, although recognized by only fifteen countries as such, formed an independent state at the moment the Indonesian forces invaded its territory. East Timor met all the conditions that modern international law demands of the existence of a state: a permanent population, a clearly defined territory, a government and the capacity to enter into relations with the other states. The government's control of all the territory, from September until the invasion, was recognized by many independent observers even if it only lasted three months. That was enough to create statehood. And more: the illegal occupation that followed could not terminate it. Under international law the occupant does not displace the territorial sovereign though the incidents of statehood are affected. The United Nations however preferred, just as Portugal had done, to continue to consider the territory as a non self-governing territory. In both capacities, independent state or colony, East Timor irrefutably is a victim of an act of aggression.

This act of aggression started with the invasion and the following occupation of East Timor. This invasion and occupation not only formed an obvious violation of the Charter of the United Nations, but also an international crime against peace. Moreover, they formed an equally clear violation of the right of the East Timorese people to self-determination and independence. As Hector Espiell rightly concludes in his study on self-determination:

> "(...) foreign occupation of a territory - an act condemned by modern international law and incapable of producing valid legal effects or of affecting the right to self-determination of the peoples whose territory has been occupied - constitutes an absolute violation of the right to self-determination"(12).

Besides, the Indonesian government committed an act of disobedience to the United Nations by maintaining the occupation of the territory even after the repeated summoning of the Security Council to withdraw its troops.

The fact that the Indonesian government asks for the approval of the Non-Aligned Countries for its committed crimes can therefore be regarded as a straightforward offense. Also in this respect Jakarta

forgets that the unconditional protection of the right of all peoples to self-determination and independence and the condemnation of all sorts of colonialism belong to the most important pillars on which the Non-Alignment rests. Two other important foundations that are forgotten by Jakarta are the promotion of peace and the use of peaceful means in order to solve conflicts.

5 - The so called integration of East Timor into Indonesia forms as well a clear violation of the international law on self-determination.

When the Indonesian government understood that there would be no chance of convincing anybody with arguments directly in opposition with the right of the people of East Timor to self-determination, it had to change tactics. Once condemned for its aggression, it tried to convince the world that its purpose was actually to support the East Timorese in the exercise of their right.

With this goal in mind, Indonesia put a play in five acts on the stage. The first act (December 1975) consisted of the establishing hinghinghingof a 'Provisional Government', a puppet government, that had, as it said, nothing to do with the Indonesian invasion troops. In the second act (January 1976) Indonesia made this puppet government declare that it was not necessary to consult the people in East Timor. It also made the government request for a law that would annex the territory with Indonesia. In the third act (May 1976) Indonesia formed an obscure 'Representative People's Assembly'. Its members were brought together in quite a few original ways (some were appointed by the government, others were literally taken from the street by the military and so on), except of course by general elections. Accordingly, after a fake discussion, this 'People's Assembly', approved unanimously (how could it be otherwise?) the ratification of the request for integration. In the fourth act (the end of June 1976) a mission was sent to Dili to see **in loco** if the formal request for integration was indeed according to the wishes of the East Timorese people. The mission's conclusion was one of affirmation, of course. In the fifth and last act (July 1976) Indonesia proclaimed that East Timor became its 27th province and from that moment on the matter would become part of the internal affairs of Indonesia. According to Indonesia, the right to self-determination had thus been implemented by the East Timorese.

The international community however, refused to take part in this farce. The 'Provisional Government' was not recognized as representative, neither was the 'People's Assembly'. All organs of the

United Nations which were invited by Indonesia time and again, to be represented in the different acts, rejected the invitations(13). Out of all countries that were invited to send observers to the meeting of the 'People's Assembly', only a handful showed up (the only report of these observers that became public, finally criticised both the hurry in which the assembly had met and the lack of attention to any possibility other than integration into Indonesia)(14). Obviously, only Indonesia's point of view could be reported: the few foreign journalists that were present, were wondering why they were not allowed to leave the hall in which the ceremony took place(15)....

The Indonesian government complained about the lack of understanding dingdingdingfrom the world community. Its hypocritical protests however, could not cover up the fact that it was Indonesia itself which in East Timor had blocked all conditions, that international law (through resolution 1541 (XV)) demands for an eventual integration as one of the possible modes of implementing the right to self-determination. The occupation of East Timor prevented the first condition: the existence of 'free political institutions'. The caricatural 'Representative People's Assembly', which was anything but a People's Assembly, and absolutely not representative,tivetivetive could not fulfill the condition of an 'advanced stage of self-government'. The discussion that was being put on stage about integration and the following pseudo decision to request this, formed the counterpart of the demanded "wishes of the territory's peoples (...) expressed through informed and democratic processes, impartially conducted and based on universal suffrage".

Instead of assistance with the exercise of the right of the East Timorese people to self-determination, the by Indonesia wanted colonialist integration formed a criminal violation of this right. Therefore it was stated by the United Nations in ten successive resolutions (two of the Security Council and eight of the General Assembly)(16) that it regretted the Indonesian intervention. It also rejected the claim that East Timor had been integrated and repeatedly affirmed the inalienable right of the Timorese people to self-determination and independence.

When the Non-Aligned Countries opposed at the conference of Colombo in 1976 the protests of Jakarta, and likewise supported this

right to self-determination and condemned the Indonesian aggression, it became clear that with the aggression not only the thesis of the 'integrasi' fell. With it, the anti-colonial mask, behind which the Indonesian government was hiding itself, fell too.

6 - Meanwhile the physical and cultural genocide of the East Timorese people continues.

If, next to verbal condemnation of the Indonesian acts and the acknowledging of the right to self-determination of the East Timorese people, the United Nations also could have forced Jakarta to withdraw their troops immediately out of the territory, the damage would have been limited. The enormous commercial and strategic interests of some countries however, made them resistant towards any measures the Security Council would take in this direction. Because of the strong resistance of the people of East Timor towards the occupation, the Indonesian Government, knowing it was backed up both military, economically and diplomatically by those countries, trod the path it had walked on before, within her own borders, without any scruples, i.e. the physical extermination of its opponents.

The Indonesian aggressors lied about the number of victims, played tricks with the results of the censuses from the Portuguese days, spread results of new, fictitious censuses, blamed the short civil war, that had come to an end three months before the invasion, for the miserable situation: shortly, they were using any possible means to wash off the filth of the genocide.

Neutral observers however, succeeded in getting a rough idea of reality with the help of estimations made by clergymen, by analyzing contradicting figures, published by the Indonesian authorities themselves, and by the accounts of the people of East Timor who had succeeded to escape the hermetic isolation to which the island continued to be condemned. They came to the conclusion that until 1980 the number of deaths was definitely more than 200,000, which is a third of the original size of the population. It was also proven by them that the great majority of these deaths was due to violence carried out by the Indonesian army of occupation(17).

Information about the massacres by Indonesian troops is numerous and comes from all sorts of sources: thousands of men, women and children were killed in cold blood from the first day of the invasion

(Dili, December 1975) till just recently (Bobonaro, March 1984). Just a handful of the examples of slaughters by the Indonesians during this period of time: ca. 800 East Timorese on the mountain Uadaboro and in Taipo (November 1978), ca. 500 in Lacluta (September 1981) and about 700 in Cracas and near the river Be Tuku (August 1983)(18).

To the victims of these mass slaughters one has to add the casualties of the random bombardments which made hundreds of settlements in East Timor disappear (especially after September 1977). Add to this the number of victims of the successive extrajudicial executions and 'disappearances', like those which the 1985 report of Amnesty International on the violations of human rights in East Timor documents extensively(19).

Next to the bullets and the bombs, the aggressor used a far more effective weapon: starvation. By massively bombing the fields, subsequently driving people together into 'resettling areas' that were hardly fit for agriculture and by strongly restricting the mobility of these people, which made it impossible to farm the land regularly, the Indonesian military created a famine, that would be repeated several times during the years to come and caused at least 150.000 deaths(20).

To this we might add forced birth control, for which Indonesia was indicted by, among others, the present bishop of Dili, mgr. Ximenes Belo(21). Thus we have four of the five acts which the Genocide Convention gives as examples of this crime against humanity.

The aim of the Indonesian government to exterminate the people of East Timor as such, is also demonstrated by its general practice, directed towards the destruction of the people's cultural identity. The destruction of their social structures and production patterns, the Javanization of the territory by means of the transmigration policy, the ban on education in their own language, the suppression of the animistic religion, the whole cultural genocide, is at the same time proof and an extension of the genocide of these people(22). Or, to quote a recent phrase of mgr. Ximenes Belo:

"We continue to die as a people and as a nation"(23).

7-Indonesia cannot cover up the colonial exploitation of East Timor under the so called 'development' of East Timor

The military of Indonesia are occupying East Timor illegally. Just as they do not have any right to be there, they neither have any right to initiate development programmes, put upon the people from above. Nevertheless, in the last few years Indonesia began with a tremendous publicity campaign for the development that it was establishing in the territory. Next to this, the mechanical repetition, that with the integration the right to self-determination of the people was excercised and that the human rights were more and more respected, continued. The booklet of propaganda, since 1975 produced by the department of Information of Jakarta, devoted in the edition of 1977 8 percent of its space to Indonesian 'development aid' in East Timor, in 1983 however the same theme covered 44 percent, and in 1984, even 67 percent(24)!

The fact that, during four and a half centuries of colonial presence, Portugal left East Timor in the lurch, can neither be used as a pretext for the Indonesian occupation nor for its social and economic politics. It is also incorrect to compare the little that was done by the colonial regime of Salazar and Caetano for the development of the area with the development work, with which the government of Suharto shows off. The people of East Timor should be able to start a development policy on their own (otherwise it is only the substitution of one colonialism by another). Moreover, the development that Jakarta has brought about, is mainly fake, or rather, it is nothing more than a means, next to the military one, to reassure its hegemony over the territory.

With the arrogance, which is typical for colonialists, the Indonesian authorities pictured the East Timorese as backward, stupid and unable to develop themselves. At the same time they tried to win the cooperation of the people by a massive publicity for the Indonesian development. This however took place in vain: the East Timorese called it 'empty' development and still continue their struggle for liberation.

An example of this empty development is offered by agriculture in which 90 percent of the population is active. The Indonesian government states with despise that the traditional form of agriculture (the 'slash and burn' cultivation) not only had a low productivity, but also caused soil erosion. One of the ways to 'solve' the problem of this 'backward mode of production' was to send Balinese so-called 'model-farmers' to East Timor, to teach, as Indonesian officials say, the Timorese how to cultivate their land in a sophisticated, modern and efficient way(25). The truth turned out to be different. The Indonesian newspapers 'Sinar Harapan' and 'Suara Karya' reported that the Balinese farmers in fact were high school graduates expecting that they could become civil servants or businessmen in East Timor(26). In 1983 the former bishop of Dili, mgr. Costa Lopes, made a complaint not only about the Timorese being driven away from their homes to make room for the newcomers, but also criticised the fact that the Timorese lost their jobs whenever the transmigrants decided to change their activities(27). Besides all this, the Indonesian authorities have put quite a bit more effort into establishing a plantation economy in East Timor than the Portuguese executives of the days of Salazar and Caetano. They themselves admit that the land that was used for the cash-crop cultures almost doubled between 1977 and 1983: the profits, as said, all disappeared to Jakarta(28).

Something similar is happening in the field of education. The Indonesian authorities have called the existing analfabetism one of the most important obstructions to development and have built many schools in East Timor. This looks like a positive act at first glance. However, this is one of the real dangers that are threatening the people of East Timor. The implemented education system has as its main goal to kneed East Timorese children into 'good Indonesians'. This was obvious to a degree that even the governor had to admit that the education system did not absolutely meet the needs of the Timorese. The **Bahasa Indonesia**, the language used in schools, replaced the Tetun, the lingua franca of the territory. The teaching of this language has been prohibited, just as it had been in the days of the Portuguese colonialism. **Pancasila** (the official Indonesian state ideology) is taught with all means. The membership of **Pramuka** (the state controlled scouts movement) is a guarantee that the children will be influenced by Indonesian militarism by means of

parades, salutes to the flag and the chanting of military hymns (for that matter the same role was played by the **'Mocidade Portuguesa'** of Salazar and Caetano)(29).

The same thing is happening with the infrastructure. The roads and bridges, built by the Indonesians, only accidentally serve the original population. They lead to the areas in which the Fretilin is active, their first function being purely military. They also lead to areas where export crops are grown, so that as a matter of second importance an economic goal is served, a goal completely alien to the needs of the people of Timor: Indonesian companies exploit the largest plantations, the Indonesians also monopolize the exports.

Noteworthy enough, it is the Indonesian sources themselves that acknowledge the failure of this 'development'. Kariyotomo, head of the office of the ministry of social projects in East Timor, confessed in September 1988(30) that most public projects of the "Five-Year Development Plan" (1984-1989) were very likely not going to achieve their aim, because of financial difficulties and incapable management. The Indonesian professor Mubyarto investigated 'on invitation by the Indonesian government' the development of the villages in East Timor and recently said in a paper(31) that the people of East Timor do not believe in the Indonesian 'development', nor in the 'Indonesians'. He concluded as follows:

> "How can they possibly have any belief in the state? Simply building a road costs the government billions of rupiahs. And it has appeared that the roads are worse than before. A cynical conclusion of the Timorese: 'It's a good thing they only asphalted in the middle of the road, so we can still use the left and the right sides."

The right to self-determination of a people is not only a political right, but also an economic and socio-cultural one. It is, for instance, indissolubly linked to the right to permanent sovereignty on natural resources. Indonesia, the aggressor and illegal occupying power in East Timor, does not have any right to exploit this wealth and natural resources, not even under the flag of development. As article 16 of the 'Charter of Economic Rights and Duties of States' clearly states,

a first condition for development is the banning of colonialism, neo-colonialism and all sorts of foreign aggression, occupation and domination, or rather, the implementation of the right to self-determination.

8-The solidarity of many Non-Aligned Countries with East Timor counterweighs the aid of Western countries to Indonesia.

All the crimes against the people of East Timor are committed, as said, with the more or less overt support of a number of countries, whose relations with the present Indonesian Regime are above any moral consideration. Some of these countries are, sadly enough, even members of the Movement of Non-Aligned Countries. But the most important support, both military and economically, Jakarta received from the Western countries.

First of all from the United States, which, once aware of the expansionist goals of Indonesia, did not try to discourage it, but even encouraged it: barely twelve hours after president Gerald Ford and secretary of state Henry Kissinger left Jakarta, East Timor was invaded. The same United States took care of the necessary armament and the needed credit. They finally foresaw Indonesia of the diplomatic coverage in the rear: like Daniel Moynihan, who was the representative of the United States in the UN in those days, declared later on:

> "In both instances (i.e. Western Sahara and East Timor) the United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. The task was given to me, and I carried it forward with no inconsiderable success"(32).

With an almost incorrigible political hypocrisy the leaders of the Liberal Party and the Labour Party in Australia alternate their criticisms on the concessions the government is making towards Indonesia, whenever they are in the opposition, and in the making of these very concessions whenever they are in power themselves. Finally, concession after concession, they recognized **de jure** the annexation of East Timor by signing an agreement in September 1988 with Indonesia about their joint (oil-) exploitation in the Timor

gap. That was the most important reason of the betrayal to their own principles. Meanwhile the different Australian governments have supplied Jakarta, whenever necessary, with economic, military and diplomatic support.

Also Japan, giving priority to good economic relations with the Indonesian government, has never criticised the crimes committed by Indonesia in East Timor. From the first till the last resolution about the matter in the United Nations its votes ended up on the side of Indonesia.

The other countries which are a member of the IGGI (Inter-Governmental Group for Indonesia), with the emphasis on the major countries of the European Community (F.R.G., France, Great Britain and Italy), but also the Netherlands (which chairs the yearly IGGI-conferences), all these countries continued to support the Indonesian government with economic and military aid, in spite of the invasion and occupation of East Timor. Only on a diplomatic level they appeared to be less easy going than the United States, Australia and Japan, by consistently choosing to abstain in the votings on East Timor in the United Nations General Assembly (with the exception of Canada and New Zealand, which, at a certain moment, voted in favour of Indonesia).

Finally it has to be emphasized that, at governmental level, the people of East Timor got most support for the defense of its rights from within the Movement of Non-Aligned Countries. Of these especially the five Portuguese speaking countries in Africa (Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tomé and Príncipe) have to be mentioned, but also many other African countries (from Algeria and Benin to Zambia and Zimbabwe) and support from countries in other parts of the world (like Cyprus, Cuba, Nicaragua, Laos and Vietnam).

This support encouraged a spontaneous movement of solidarity and sympathy for East Timor in a lot of countries, a movement which is still growing. Naturally, this movement is strongest in those countries of which the governments are covering up the crimes of Jakarta, because its members have extra reason to be indignant. We can find an example of this in the proliferation of active solidarity committees

in many Japanese cities (Sapporo, Sendai, Tokyo, Nagoya, Osaka, Kyoto and others), which can count on the support of many members of the Japanese parliament, the Diet.

Likewise members of the North American Congress, Democrats and Republicans expressed the feelings of many citizens and organizations by sending several letters to their government, with a growing number of signatures, which expressed their concern about the events on East Timor. The last one dates from October 1988.

The European Parliament condemned, in resolutions that were adopted by overwhelming majorities (in September 1988 a resolution in these terms had been adopted with 164 votes in favour, 12 againsts and 15 abstentions; the last resolution, adopted on May 25th 1989, urged the Ministers of Foreign Affairs of the Member States to take diplomatic initiatives for making feasible the exercise of the right of self-determination of the people of East Timor), the occupation of East Timor by Indonesia and the continuing violations of the human rights there. It also confirmed the right to self-determination of the people of East Timor. These resolutions were partially a consequence of the arrival of the Portuguese members in the European Parliament, at a time in which the political parties of Portugal had finally decided to actively support the rights of the Timorese. At the same time they reflect a growing awareness among the other member-states of the European Community, of the continuing injustice towards East Timor.

To the great embarrassment of the Indonesian government, Greece, in its capacity of president of the Council of the European Community, read out the first common declaration of the Twelve on the matter, in the General Assembly of the UN of September 1988. The declaration pleads for an international solution, that respects the rights and cultural identity of the East Timorese people.

The shift that took place in the European Community, added to the continuing support for the East Timorese cause from the African, the Caribian and the Pacific countries became very clear in October 1987: the Consultative Assembly of the Lomé Convention unanimously adopted a resolution in its meeting in Lisbon, which condemned the illegal occupation of the territory by Indonesia and which

pleads for the right of the people of East Timor to self-determination and independence. In the meetings of September 1988 (in Madrid) and of January 1989 (in Bridgetown) similar resolutions were adopted. The meaning of these resolutions is clear: next to the members of the European Parliament, representatives tativestativesof the 66 ACP countries, of which almost every one is also a member of the Movement of Non-Aligned Countries, take seat in the Consultative Assembly!

Finally it may not be surprising that the Interparliamentarian Union also accepted resolutions with a great majority at different meetings, in which it expresses its concern about the situation in East Timor and pursues the necessity to find a solution that respects the right to self-determination of the people. The fact that this international organization is formed by parliamentarians from all over the world and that one of its main aims is to promote the development of international law, clearly underlines the importance of these resolutions. They clearly emphasise the growing isolation with which the Indonesian government is confronted because of its expansionist politics.

9-The unconditional resistance of the people of East Timor against Indonesian colonialism will lead either to its liberation or its extermination.

When the Indonesian government planned the invasion of East Timor it was counting on two things: the resistance of the people of East Timor would be broken quickly and, after that, an easy acceptance of that **fait accompli** by the international community should take place. The great disparity in military forces and means and the diplomatic and material support of some of the great powers were going to guarantee the success.

However, the result of the military operations was humiliating: in almost fourteen years of occupation, the armed forces of Indonesia (a country with 160 million inhabitants) were unable to break the resistance of a country with less than one million inhabitants! This resistance becomes especially remarkable, when one takes into account that it is very difficult for the Timorese guerilla to get material support from outside because of the geographical position of East Timor.

Since the invasion began, regular reports on the armed confrontations between the forces of the occupation of Indonesia and the guerilla, have shown that the Timorese resistance has continued to be strong. This has time and again proven the Indonesian statements, that pacification had been achieved, to be wrong. Besides, the simple fact that the same statements were repeated without any variation, as time passed, also pointed to a falsification of the facts: how can it be repeated time and again for fourteen years, that the Fretilin forces only consist of a few hundred people, that they do not form any danger whatsoever for Indonesia's security and that within a month or two the last bits of resistance will be subdued? Even so, these same statements were repeated almost **ipsis verbis**, like in April 1977 by the vice-governor of the territory, Lopez da Cruz(33), in September of the same year by the then Indonesian minister of defense general Panggabean(34), in February 1978 by the then minister for foreign affairs Kusumaatmadja(35), in October 1979 by Indonesian military sources(36), in April 1982 by an Indonesian military commander(37), in August 1983 by the commander-in-chief

of the Indonesian forces, general Benny Murdani(38), in October of the same year by the governor of the 'province', Mário Carrascalao(39), in November of the same year by the Permanent Representative of Indonesia to the UN(40), in July 1984 by the same governor and by the military authorities in Dili(41), in August 1988 by the commander of the military district, colonel Moch Ma'ruf and again by governor Carrascalao(42).

Although Jakarta tries very hard to hide the size of its military presence in East Timor, which fluctuates between 20,000 and 30,000 men, it does not succeed in this. The units were renewed regularly and reinforced on the occasion of successive operations, which aimed at the liquidation of the resistance, without success. The costs of these units' maintenance and of the operations have been very high; just as the price of human victims on the side of the occupation army has been high. The Indonesian graveyards on the territory of East Timor are undeniable witnesses of this.

The success of the resistance caused the commander of the Indonesian army to make a start with negotiations with the guerilla of Timor. During these negotiations, that took place in March 1983, Fretilin came with a peace plan (see Appendix). It proposed to organize negotiations with the mediation of the Secretary General of the UN, between Portugal, Indonesia and Fretilin. Those talks should deal with the withdrawal of Indonesian troops from East Timor, the composition of a multinational peacekeeping force for the organization of and the supervision over a free and democratic consultation of the East Timorese people(43). After four months however, the Indonesian 'hawks' decided not only to reject the plan, but also to break the ceasefire that was agreed upon.The genocide and the war were continued.

To those who do not know the history of East Timor, it may seem unbelievable that this people, after so many years of struggle and with such an unequal division of the military forces on both sides, is still continuing its resistance against the aggression and the occupation of Indonesia. However, in the light of the successive wars, that were fought by the peoples of East Timor against Portuguese colonialism, the resistance against the Indonesian colonialism is easier to com-

prehend. In spite of their military superiority and the implementation of the 'divide and rule' politics, the Portuguese never succeeded in breaking the will of the Timorese. On the contrary, the oppression brought the peoples to a common consciousness, which formed the basis of the national feeling of unity. After the fall of the fascist regime in Portugal, Fretilin and at least a part of the UDT expressed the deep wish of the people to gain independence. The support Fretilin received in the whole territory proves that its program was nothing more than an expression of that wish. The reconciliation between Fretilin and UDT in March 1986, through which a united front, the Nationalist Convergence, developed against the Indonesian occupation, was another important step towards liberation. So it is clear that the resistance of the people of East Timor against the Indonesian occupier, can only end with the regaining of its independence or else with its physical and cultural extermination.

10-The Non-Aligned Countries fulfill an indispensable necessary role in the struggle for the victory of justice in East Timor.

With convincing facts against itself and invoking very weak arguments, the Indonesian government has no interest in bringing the conflict into the legal field, since its position is then practically untenable. However, in order to find a stable solution that will guarantee peace in the area, the problem first of all has to be analyzed in the light of the law. This can be done only by a very accurate implementation of the relevant principles of international law, which, this has to be emphasized, are accepted nowadays by everyone. Violation of these principles does not just damage the rights of a small people, but also creates very important consequences for peace-loving states.

Many of the norms violated by Indonesia are norms of **jus cogens**, i.e. norms accepted and recognized by the international community of states as a whole, as norms from which no derogation is permitted. Such is the case with norms prohibiting aggression and with the ones consecrating the right to self-determination. Therefore the annexation of East Timor is invalid under international law and cannot be validated by international recognition (besides, all states have the duty of non-recognition) or by the mere lapse of time. The 'Definition of Aggression' is extremely clear: 'No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful'(44).
Jus cogens also comprises the norms which prohibit genocide and protect some of the human rights (such as the prohibition of extrajudicial executions and torture). The recognition by a few states, Australia for example, of the 'integration' of East Timor into Indonesia, does thus not have any validating effects, but another consequence of the character of jus cogens concerning violated norms results from article 53 of the 'Vienna Convention on the Law of Treaties'. This article has to be applied to all treaties on primordial interests (and especially territorial ones) of the East Timorese people, concluded by Indonesia with any other state, and which by

consequence have to be considered as null and void. This holds, regardless of whether those states are party to the Convention or not. Such is clearly the case with the recent agreements about the delimitation of the Timor Sea between Indonesia and Australia.

As a result of all this, but also because of certain binding norms, included in several documents, like in the UN-resolution 637 (VII) and in the 'Declaration on Principles of International Law Concerning Friendly Relations and Co-operation between States in accordance with the Charter of the United Nations', the obligation rises for the countries that form the international community, so also for the UN and their organs, to ACTIVELY support the people of East Timor in their struggle for liberation from the foreign occupation, so that they will be able to resume the implementation of their right to self-determination. It is time that this good example, set by many Non-Aligned Countries, is followed by all other states.

Next to the unmistakable condemnation of the Indonesian Government for the crimes it committed against the people of East Timor, it is urgent that all peace loving nations help to set up a plan (in which the sending of a multinational peacekeeping force certainly suits), which enables the people of East Timor to choose its own future, free of violence or threats of violence from the side of Indonesia. The independence, that was proclaimed in 1975, can be reaffirmed by means of a referendum, or otherwise preference can be given to one of the other options, included in Resolution 15141 (XV). It is important to mention that the emphasis on holding a referendum, which forms part of the proposals of Fretilin and, since its foundation, also of the Nationalist Convergence, was finally endorsed by the present bishop of Dili, Mgr. Ximenes Belo, in his emotional appeal to the Secretary General of the UN(45).

Suppose that, against all reasonableness, a majority would be formed within the UN-General Assembly (which would contain the adhesion of a big part of the Non-Aligned Countries), which would be willing to accept the Indonesian wishes. Then not only would the resolutions, concerning the right to self-determination, lose their meaning, but important documents, which form essential contributions to the world peace, would be dismantled by the same organ that created them. Think of the 'Definition of Aggression' and the

'Genocide Convention' and other documents that took many years to come into being. This would not only affect the still colonial territories, but all the military weak countries. The consequences could thus become fatal for the world peace; the acts of aggression would be generalized in the double meaning of the word: they would both increase in number and be stretched out over many states which, until now were free from the imperialistic blemish. Nothing for instance would stop Guatemala to invade Belize, claiming this territory long for its independence, and with substantially better juridical arguments than those of Indonesia...

The people of East Timor are giving the world a lesson in courage and dignity, through their struggle for their rights against a powerful and unscrupulous occupier. Its survival as a people will depend **inter alia** on the position that the international community takes up against the crimes committed by the Indonesian authorities. The Non-Aligned Countries, which have fought, since the foundation of their Movement, against colonialism and the misuse of force, fulfill thus an essential role hereby. The rules of modern international law are, as said, on their side. Their political influence will, together with the internal armed resistance, undoubtly eliminate the wrong in East Timor. The same happened already in Zimbabwe, the same is happening now in Namibia.

Notes

(1) United Nations Department of Political Affairs, 'Issue on East Timor', Decolonization, nr. 7, August 1976, p. 49
(2) General Assembly Resolution 37/30, of 23 November 1982
(3) For example, H. Lains e Silva ('Timor e a Cultura do Café', Ministério do Ultramar, Junta de Investigacoes do Ultramar, Lisboa, 1956) and Joachim K. Metzner ('Man and Environment in Eastern Timor: A Geoecological Analysis of the Baucau- Viqueque Area as a Possible Basis for Regional Planning', Development Studies Centre, Australian National University, Canberra, 1977)
(4) See, for example, Bailey W. Diffie and George D. Winius, 'Foundations of the Portuguese Empire 1415-1580', University of Minnesota, Oxford University Press, 1977, p. 362, M.Antoinette Meilink-Roelofsz, 'Asian Trade and European Influence in the Indonesian Archipelago between 1500 and about1630', Martinus Nijhoff, The Hague, 1962, pp. 22, 369, Prof. Shepard Forman, 'Testimony before U.S. Congress, 28 June 1977', H. Schulte Nordholt, 'The political System of the Atoni of Timor', Martinus Nijhoff, The Hague, 1971, p. 463, Bernard H. Vlekke, 'Nusantara. A History of Indonesia', W. van Hoeve Ltd, The Hague, 1959, p. 156.
(5) United Nations Department of Political Affairs, op. cit., pp. 40-41
(6) Idem, p. 30
(7) U.N. Doc. A/C. 4/30/SR. 2180 (1975)
(8) Idem.
(9) See his letter of 29 April, 1976, to the U.N. Secretary- General, in Torben Retbl (ed.), 'East Timor, Indonesia and the Western Democracies: a Collection of documents', IWGIA, Copenhagen, 1980, pp. 45-48; see also 'The Age' (Melbourne), 7 May, 1976.
(10) See, for example, Dale van Atta and Brian Toohey, 'The Timor Papers, in 'The National Times', May 30 to June 5 and June 6 to 12, 1982, Carmel Budiardjo and Liem Soei Liong, 'The War

against East Timor', Zed Books Ltd, London, 1984, pp. 17-21.

(11) See, for example, James Dunn, 'The East Timor Situation - Reports on talks with Timorese Refugees in Portugal', Journal of Contemporary Asia, Stockholm, 7 (3), p. 415.

(12) Hector Gros Espiell, 'The Right to Self-Determination: Implementation of United Nations Resolutions', United Nations, New York, 1980, p. 6

(13) United Nations Department of Political Affairs, op. cit., p. 64

(14) Prof. Roger S. Clark, 'The Decolonization of East Timor and the United Nations Norms on Self-Determination and Aggression', Yale Journal of World Public Order, Yale, 7 (1), 1980, pp.16-17

(15) See Jill Jolliffe,' East Timor - Nationalism and Colonialism', University of Queensland Press, St. Lucia, Queensland, 1978, p. 289

(16) General Assembly Resolution 3485 (XXX), of 12 December 1975;
Security Council Resolution 384 (1975), of 22 December 1975;
Security Council Resolution 389 (1976), of 22 April 1975;
General Assembly Resolution 31/53, of 1 December 1976;
General Assembly Resolution 32/34, of 28 November 1977;
General Assembly Resolution 33/39, of 13 December 1978;
General Assembly Resolution 34/40, of 21 November 1979;
General Assembly Resolution 35/27, of 11 November 1980;
General Assembly Resolution 36/50, of 24 November 1981;
General Assembly Resolution 37/30, of 23 November 1982.

(17) See, for example, Amnesty International,'East Timor. Violations of Human Rights, Extrajudicial Executions, 'Disappearances', Torture and Political Imprisonment', Amnesty International Publications, London, 1985, p. 6

(18) Idem, p. 23; James Dunn, op. cit., pp. 412-413; Carmel Budiardjo and Liem Soei Liong, op. cit., pp. 127-128; A. Barbedo de Magalhaes, 'Timor-Leste: Mensagem aos Vivos', Lumiar, Porto, 1983, pp. 46, 65-67

(19) Amnesty International, op. cit., pp. 20-52, 81-87

(20) See, for example, Arnold Kohen and John Taylor, 'An Act of Genocide: Indonesia's Invasion of East Timor', TAPOL, London, 1979

(21) 'Pastoral Letter on Responsible Parenthood', of 3 March 1985
(22) See, for example, Prof. Benedict Anderson, 'Statement Submittedon East Timor at the Decolonization Committee of the United Nations' General Assembly, October 1980'
(23) Letter to the Secretary-General of the United Nations, of 6 February 1989
(24) Republic of Indonesia, Department of Information, 'Decoloni-zation in East Timor', Jacarta, 1977, 'East Timor after Integration', Jacarta, 1983, 'East Timor Today', Jacarta, 1984
(25) For example, 'East Timor Today', pp. 51-52
(26) 28-29 August 1985
(27) Interview to 'TAPOL Bulletin', nr. 59, September 1983
(28) See Carmel Budiardjo and Liem Soei Liong, op. cit.,pp.103-109
(29) Idem, p. 1
(30) 'Jakarta Post', of 13 September 1988
(31) 'Kedaulatan Rakyat', of 14 February 1989
(32) 'A Dangerous Place', 1978
(33) Keesings Contemporary Archives, pg. 28475
(34) Idem, pg. 29074
(35) Idem
(36) According to the Australian journalist Peter Rodgers, in the 'Sydney Morning Herald' of 1 November 1979
(37) Keesings Contemporary Archives, pg. 32258
(38) Interview with 'Sinar Harapan', 16 August 1983
(39) 'Jornal de Notícias', 17 October 1983
(40) In his letter to the Secretary General of the UN of 8 November 1983 (S/16132)
(41) To the Australian ambassador in Jakarta, mr. Rawdon Dalrymple, during his visit to East Timor
(42) 'NRC Handelsblad', 28 August 1988
(43) 'Plano de Paz da Fretilin, Fretilin Peace-Plan, Le Plan de Paix de Fretilin, Luanda, 1984
(44) Article 5, para. 3
(45) Letter to the Secretary-General of the United Nations, of 6 February 1989

Appendix

FRETILIN PEACE-PLAN

Between the 20th and 23rd of March, 1983, in liberated territory of East Timor controlled by FALINTIL (the Armed Forces for the National Liberation of East Timor), FRETILIN and Indonesia decided to begin a process of dialogue. The objective was to end the eight year long war which was still far from over.

FRETILIN has always considered negotiations as the best way to achieve a defenite overall solution which would respect the interests of the Maubere People and the states of the region. Only the adventurism of the Indonesian military hawks led the Indonesian and Maubere Peoples into a war during which both peoples have been sacrificed, suffering incalculable material, human and moral losses.

Under the leadership of FRETILIN the Maubere People have responded to the genocidal war directed by the Indonesian Generals with a war of National Resistance. They have thus proved their capacity and determination to fight to safeguard their legitimate interests and just aspirations.

When at the beginning of 1983, Indonesia showed its willingness to begin Preliminary Negotiations with FRETILIN, a new chapter in the history of the Maubere People began - a chapter with the perspective for peace that both peoples had longed for.

Through its supreme military command, the Revolutionary Council for National Resistance (C.R.R.N.), FRETILIN presented to the Indonesian Gouvernement its Plan for Peace whose application would guarantee, on the one hand, respect for the rights of the Maubere People and their freely expressed will, and on the other, a possibility for other countries interested in the East Timor problem to follow the process. Thus, on the 10th of May, 1983, the President of the Revolutionary Council for National Resistance and the Commander in Chief of FALINTIL, KAY RALA XANANA GUSMAO issued a press statement which included the following:

> "FRETILIN DECLARES that the Maubere People are conscious of their insertion in South East Asia. FRETILIN declares that, because of this, it has never desired, does not, and never will desire that East Timor should be a focus for the spread of

conflicts. East Timor is a non-aligned country and follows a policy of peaceful coexistence. These principles will regulate its relations with all countries and strengthen the links of technical, economic and cultural cooperation with its neighbours. The Maubere People know that they must respect the interests of their neighbours and also believe that their own legitimate interests will be respected."

Despite the recommencement of hostility by Indonesia and its unilateral breaking of the cease-fire agreed on the 23rd of March, 1983, as the first step in the application of the Peace Plan, there is no doubt that this today represents a fundamental instument for the political and diplomatic action of the Maubere People. Its conception in the beat of armed struggle is a guarantee of its maturity, gained in the accumulation of eight years of political struggle. It is the only proposal of substance for resolving the conflict presented to date. The Peace Plan which was supported by the Heads of State of Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome e Principe at the Bissau Summit, in December 1983, constitutes a platform around which a politically and geographically diverse range of countries that desire peace, progress and justice can united, and international solidarity can be coordinated.

I. In terms of the United Nations General Assemblee Resolutions 1514 (XV) and 1541 (XV), with the mediation of the United Nations Secretary General, direct talk between Portugal, Indonesia and FRETILIN within the framework of the United Nations should begin, to discuss:

a The creation of a United Nations or Multinational peacekeeping force, whose impartiality would be an indispensble condition for guaranteeing and putting into practice:
   - A functioning Transitional Administration
   - The correct implementation of decisions taken during discussions on the positioning of the opposing forces - FALINTIL and the Indonesian Armed Forces.

b The organisation of free and democratic consultation of the Maubere People.

c Setting a date for the transfer of sovereignty.

II. Australia has the right to participate in the talks as an observer.

III. Further observers can be accepted if they are proposed in equal number by each of the parties referred to in I and agreed to by all of them.